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SOUTH AFRICA.

PAPERS

RELATING TO

NEGOTIATIONS

BETWEEN

COMMANDANT LOUIS BOTHA

AND

LORD KITCHENER.

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Presented to both Houses of Parliament by Command of His Majesty
March 1901.

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PAPERS

RELATING TO

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BETWEEN

COMMANDANT LOUIS BOTHA AND LORD KITCHENER.

No. 1.

High Commissioner Sir A. Milner to Mr. Chamberlain.—(*Received February* 23, 1·10 P.M.)

(No. 121.)
(Telegram.) *February* 23, 1901, 10·45 A.M.

FOLLOWING telegram received from Commander-in-chief, Pretoria:—

Begins: 22nd February. Mrs. L. Botha has come back from meeting her husband to-day, and has brought me a letter from him in answer to a verbal message from me that, if he desired it, I would meet him as to means of bringing the war to an end, on the express understanding that I should not do so if the question of the independence of the Transvaal and Orange River Colony were to be discussed in any way. Mrs. Botha assures me the letter was written with that point clearly understood and that Botha had referred the matter to his generals. Meeting will probably take place at Middelburg, Transvaal. *End of telegram.*

No. 2.

Mr. Chamberlain to High Commissioner Sir A. Milner.

(No. 4.)
(Telegram.) *Downing Street, February* 23, 1901, 7·15 P.M.

YOUR telegram No. 121.

I am glad to hear of Botha's desire to treat, and I hope that it is genuine. He will find us most anxious, in that case, to meet him on all points affecting individual position. We have already made clear the policy we intend to pursue as to future Government.

No. 3.

High Commissioner Sir A. Milner to Mr. Chamberlain.—(*Received February* 27, 1·33 P.M.)

(No. 141.)
(Telegram.) *February* 27, 1901, 1 P.M.

I HAVE received the following from Lord Kitchener:—

Begins: Botha has written to say that he will be here at 10 A.M. to-morrow.

No. 4.

Lord Kitchener to Mr. Brodrick.

(Telegram.) *Pretoria, March* 1, 1901, 2·20 P.M.

28*th February.*—I have had a long interview with Botha, who showed very good feeling and seemed anxious to bring about peace. He asked for information on a number of subjects which he said that he should submit to his Government and people, and if they agreed he should visit Orange River Colony and get them to agree. They should all then hand in their arms and finish the war. He told me that they could go on for some time, and that he was not sure of being able to bring about peace without independence. He tried very hard for some kind of independence, but I declined to discuss such a point, and said that a modified form of independence would be most dangerous and likely to lead to war in the future. Subject was then dropped, and—

Firstly.—The nature of future government of Colonies asked about. He wanted more details than were given by Colonial Secretary, and I said that, subject to correction from home, I understood that when hostilities ceased military guard would be replaced by Crown Colony administration, consisting of nominated Executive, with elected assembly to advise administration, to be followed after a period by representative government. He would have liked representative government at once, but seemed satisfied with above.

Secondly.—Whether a Boer would be able to have a rifle to protect him from native? I said I thought he would be by a licence and on registration.

Thirdly.—He asked whether Dutch language would be allowed? I said that English and Dutch would, I thought, have equal rights. He expressed hope that officials dealing with farmers would know Dutch.

Fourthly.—The Kaffir question. This turned at once on franchise of Kaffirs, and a solution seemed to be that franchise should not be given to Kaffirs until after representative government was granted to Colonies. Orange Free State laws for Kaffirs were considered good.

Fifthly.—That Dutch Church property should remain untouched.

Sixthly.—Public trusts and orphan funds to be left intact. He asked whether British Government, in taking over the assets of Republics, would also take over legal debts. This he made rather a strong point of, and he intended it to include debts legally contracted since the war began. He referred to notes issued amounting to less than a million.

Seventhly.—He asked if any war tax would be imposed on farmers? I said I thought not.

Eighthly.—When would prisoners of war return?

Ninthly.—He referred to pecuniary assistance to repair burnt farms, and enable farmers to start afresh. I said I thought some assistance would be given.

Tenthly.—Amnesty to all at end of war. We spoke of Colonials who joined Republics, and he seemed not adverse to their being disfranchised.

I arranged with him that I should write and let him know the view of the Government on these points. All I said during the interview was qualified by being subject to confirmation from home. He was anxious to get an answer soon.

No. 5.

High Commissioner Sir A. Milner to Mr. Chamberlain.—(Received March 3, 9·45 P.M.)

(B 1.)

(Telegram.) *Bloemfontein, March* 3, 1901, 11·20 A.M.

IT is suggested by Kitchener that the following letter should be sent to Botha. *Begins:—*

YOUR HONOUR,

With reference to our conversation at Middelburg on the 28th February, I beg to inform you that on the cessation of hostilities and the complete surrender of arms, ammunition, cannon, and other munitions of war now in the hands of

the burghers in the field or in Government depôts or elsewhere, His Majesty's Government is prepared at once to grant an amnesty in the Transvaal and Orange River Colony for all *bonâ fide* acts of war committed during the recent hostilities; as well as to move the Governments of Cape Colony and Natal to take similar action but qualified by the disfranchisement of any British subjects implicated in the recent war. All prisoners of war now in St. Helena, Ceylon, or elsewhere will, on the completion of the surrender, be brought back to their country. At the same time military law will cease and be at once replaced by civil administration, which will at first consist of a Governor and a nominated Executive with or without an advisory elected Assembly, but it is the desire of His Majesty's Government, as soon as circumstances permit, to establish representative Government in the Transvaal and Orange River Colony. Moreover on the cessation of hostilities a High Court will be established to administer the laws of the land, and this Court will be independent of the Executive.

Church property, public trusts, and orphan funds will be respected, and both the English and the Dutch languages will be used and taught in public schools and allowed in Courts of Law.

As regards the legal debts of the State, they will be paid, even if contracted during hostilities, to the extent to which the creditor can show to the satisfaction of a Commission or Judge that he has given value for his debt. The sum to be paid under this head will not, however, exceed 1,000,000*l.*, and if *bonâ fide* debts to a greater amount are proved they will have to be reduced proportionally to bring them within that figure.

I also beg to inform your Honour that it is the intention of His Majesty's Government to take steps to assist farmers who have suffered loss by the destruction of farms or the capture of stock during the war, and that no special tax will be imposed upon farmers to defray the expenses of the war. Where burghers require the protection afforded by fire-arms, such will be allowed to be kept by licence and with due registration. Licences will be also issued for sporting rifles, guns, &c.

As regards the extension of the franchise to Kaffirs in the Transvaal and Orange River Colony, it is not the intention of His Majesty's Government to give such a franchise before a representative Government is granted to those Colonies. *Ends.*

With the following exception I agree with the above. In paragraph 1, instead of the words "as well as to move the Governments of Cape Colony," etc., read the following: "British subjects of Cape Colony or Natal, though they will not be compelled to return to those Colonies, will, if they do so, be liable to be dealt with under the laws of those Colonies specifically passed to meet the circumstances arising out of the present war and which greatly mitigate the ordinary penalties of rebellion."

While willing to concede much in order to strengthen Botha in inducing his people to submit, the amnesty of rebels is not, in my opinion, a point which His Majesty's Government can afford to concede. I think it would have a deplorable effect in Cape Colony and Natal to obtain peace by such a concession.

No. 6.

Mr. Chamberlain to High Commissioner Sir A. Milner.

(Telegram.) *Downing Street, March* 6, 1901.

YOUR telegram 3rd March, B 1.* Kitchener's proposed letter.

Kitchener should modify the terms of his letter in accordance with following instructions and observations of His Majesty's Government.

The first paragraph implies of course the total cessation of hostilities and not the surrender of Botha only while other bands may be continuing the war. It should be made clear that this is the condition precedent to the subsequent promises.

His Majesty's Government feel that they cannot promise to ask for complete amnesty to Cape and Natal rebels who are in totally different position to burghers

* No. 5.

without injustice to those who have remained loyal under great provocation, and they are prepared substantially to adopt your words, but you must consider whether your last line is strictly applicable to Natal.

Following points in letter also require amendment:—

1. The words as to prisoners of war may be misconstrued. We cannot possibly undertake to bring all back immediately. Transport will be wanted to bring home large portion of the army and repatriation of burghers must be gradual. Also we will only bring back to South Africa burghers and colonists: the foreigners must go to their own countries. Accordingly after "prisoners of war" insert "being burghers or colonists," and after "country" insert "as quickly as arrangements can be made for their transport."

2. For "military law will cease" say "military administration will cease." It is possible that there may be disturbed districts for some time after terms have been accepted, and Governor of Colonies cannot abandon right of proclaiming martial law where necessary. In the same sentence omit the words "at the same time" and "at once" and substitute at the beginning the words "at the earliest practicable date."

3. *Constitution.*—For "consist of a Governor" down to "Assembly" read "consist of a Governor and an Executive Council composed of the principal officials with a Legislative Council consisting of a certain number of official members to whom a nominated unofficial element will from the first be added." In place of the words "to establish representative government" substitute "to introduce a representative element, and ultimately to concede to the new Colonies the privilege of self-government."

It is desirable at this stage to be quite precise in order to avoid any charge of breach of faith afterwards.

4. As regards use of languages in schools you should add after "in public schools" "where the parents of the children desire it." It is possible that in Johannesburg and elsewhere the great majority of children will be English, and we ought not to compel the parents whether Dutch or English to adopt either language where they may have good reason to desire the other.

5. *Debts of the State.*—Promise embodied in the letter seems dangerous.

The words "contracted during hostilities" would include not only commandeering receipts, but also all manner of claims for orders given or goods alleged to have been supplied during the war. If such claims are admitted it will be difficult to keep limit to one million or to institute effective examination into alleged claims. The liability would extend even to goods supplied after annexation.

If however sole object of this stipulation is to repay inhabitants of the Orange River Colony or Transvaal for requisitions which were compulsorily levied before annexation by authority of Commandants of forces in the field or which though levied after annexation could not be resisted in presence of superior force, we might assent to putting aside a sum of one million to be distributed *pro ratâ* in payment of all such claims as can be established to the satisfaction of a Tribunal appointed by Government to investigate and assess them. Remember that whatever sum is allotted would have to cover requisitions upon all persons, Uitlanders as well as burghers, commandeered by orders of Government of South African Republic or Commandants. In regard to this matter, you will of course consider carefully effect on loyalists of proposal which may result in payment for goods willingly supplied to our enemies but concealed from or refused to us.

6. *Assistance to Farmers.*—This proposal is also liable to the objection that it may appear to treat enemies better than loyalists, but as I have already suggested to you necessity for some provision to prevent destitution after the war in new Colonies and to enable resumption of ordinary employment, you may substitute the following sentence: "I also beg to inform your Honour that the new Government will take into immediate consideration the possibility of assisting by loan the occupants of farms who will take the oath of allegiance to repair any injuries sustained by destruction of buildings or loss of stock during the war."

7. The licences to carry arms must also be confined to those persons who will take an oath of allegiance, and will only be granted in the case of military arms where they are necessary for protection.

8. We agree to the last sentence as to Kaffirs, but following words should be added: "And if then given it will be so limited as to secure the just predominance of the

white races, but the legal position of Kaffirs will be similar to that which they hold in the Cape Colony."

We cannot consent to purchase peace by leaving the coloured population in the position in which they stood before the war, with not even the ordinary civil rights which the Government of the Cape Colony has long conceded to them.

Kitchener is authorized to reply in accordance with these instructions, but if the terms now offered are not accepted after reasonable delay for consideration they must be considered as withdrawn.

I shall be glad to have your views upon the above amendments to Lord Kitchener's letter.

No. 7.

Mr. Chamberlain to High Commissioner Sir A. Milner (Pretoria).

(No. 4.)
(Telegram.) *Downing Street, March* 8, 1901, 5·20 P.M.

MY telegram of 6th March No. 2.*

By error in telegraphing word "individual" was omitted before "inhabitants" in heading 5. Read "individual inhabitants of Orange River Colony or Transvaal."

No. 8.

High Commissioner Sir A. Milner to Mr. Chamberlain.—(Received March 9, 5 P.M.)

(B 7.)
(Telegram.) *Pretoria, March* 9, 1901, 9·45 A.M.

REFERRING to your telegram of 6th March No. 2.* While the changes which His Majesty's Government desired to introduce into Kitchener's letter were improvements in many cases, there were some which I regretted. But none of these appeared to me of much importance except the introduction of the words "by loan" in the passage referring to assistance to farmers after the war. I am certainly opposed to giving such assistance indiscriminately, but I think there will be cases in which expenditure not directly recoverable would be justified and politic. Also I think introduction of these words calculated to weaken effect of message, though I hope this may not be serious, having regard to its great liberality on other points.

Kitchener was even more strongly opposed than I to introduction of the words "by loan," because, in view of the suspicious nature of the Boers, he thought it would be regarded as a way of getting farmers into the clutches of the Government.

At the same time he and I were quite agreed that disadvantages of delay would not be counterbalanced by any improvement in message which might result from further discussion.

Accordingly message was altered in accordance with instructions and sent to Botha by special messenger to Middelburg on afternoon of 7th March.

No. 9.

High Commissioner Sir A. Milner to Mr. Chamberlain.—(Received March 10, 8 A.M.)

(B 8.)
(Telegram.) *Pretoria, March* 9, 1901, 10·25 P.M.

YOUR telegram of 8th March No. 4† reached me too late to affect the letter already sent to Botha. The words therefore used in that letter were "inhabitants" and not "individual inhabitants." It does not make much difference I think.

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* No. 6.

† No. 7.

No. 10.

Lord Kitchener to Mr. Brodrick.

(Telegram.) *Pretoria, March* 20, 1901, 12·50 P.M.

PRECISE terms of letter were as follows:—

Begins: With reference to our conversation at Middelburg on 28th February, I have the honour to inform you that in the event of a general and complete cessation of hostilities and the surrender of all rifles, ammunition, cannon, and other munitions of war in the hands of the burghers or in Government depôts or elsewhere, His Majesty's Government is prepared to adopt the following measures:

His Majesty's Government will at once grant an amnesty in the Transvaal and Orange River Colonies for all *bonâ fide* acts of war committed during the recent hostilities. British subjects belonging to Natal and Cape Colony, while they will not be compelled to return to those Colonies, will, if they do so, be liable to be dealt with by the law of those Colonies specially passed to meet the circumstances arising out of the present war. As you are doubtless aware, the special law in the Cape Colony has greatly mitigated the ordinary penalties for high treason in the present cases.

All prisoners of war now in St. Helena, Ceylon, or elsewhere will, on the completion of the surrender, be brought back to their country as quickly as arrangements can be made for their transport.

At the earliest practicable date military administration will cease and will be replaced by civil administration in the form of Crown Colony Government. There will therefore be, in the first instance, in each of the new Colonies a Governor and an Executive Council, consisting of a certain number of official members, to whom a nominated unofficial element will be added. But it is the desire of His Majesty's Government, as soon as circumstances permit, to introduce a representative element and ultimately to concede to the new Colonies the privilege of self-government. Moreover, on the cessation of hostilities a High Court will be established in each of the new Colonies to administer the law of the land, and this Court will be independent of the Executive.

Church property, public trusts, and orphans funds will be respected.

Both the English and Dutch languages will be used and taught in public schools where parents of the children desire it, and allowed in Courts of Law.

As regards the debts of the late Republican Governments, His Majesty's Government cannot undertake any liability. It is however prepared, as an act of grace, to set aside a sum not exceeding 1,000,000*l.* to repay inhabitants of the Transvaal and Orange River Colonies for goods requisitioned from them by the late Republican Governments or, subsequent to annexation, by Commandants in the field being in a position to enforce such requisitions. But such claims will have to be established to the satisfaction of a Judge or Judicial Commission appointed by the Government to investigate and assess them, and if exceeding in the aggregate 1,000,000*l.*, they will be liable to reduction *pro rata*.

I also beg to inform your Honour that the new Government will take into immediate consideration the possibility of assisting by loan the occupants of farms who will take the oath of allegiance to repair any injury sustained by destruction of buildings or loss of stock during the war, and that no special war tax will be imposed on farmers to defray the expense of the war.

When burghers require the protection of fire-arms such will be allowed to them by licence and on due registration, provided they take the oath of allegiance. Licences also will be issued for sporting rifles, guns, &c., but military fire-arms will only be allowed for means of protection.

As regards the extension of the franchise to Kaffirs in the Transvaal and Orange River Colony, it is not the intention of His Majesty's Government to give such franchise before representative government is granted to these Colonies, and if then given it will be so limited as to secure the just predominance of the white races. The legal position of coloured persons will however be similar to that which they hold in Cape Colony.

In conclusion, I must inform your Honour that if the terms now offered are not accepted after a reasonable delay for consideration they must be regarded as cancelled. *Ends.*

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No. 11.

Lord Kitchener to Mr. Brodrick.

(No. 283.)
(Telegram.) *Pretoria, March* 16, 1901, 8·15 P.M.

FOLLOWING reply received from Botha:—

"I have the honour to acknowledge receipt of your Excellency's letter stating what steps your Excellency's Government is prepared to take in the event of a general and total cessation of hostilities. I have advised my Government of your Excellency's said letter; but, after the mutual exchange of views at our interview at Middelburg on 28th February last, it will certainly not surprise your Excellency to know that I do not feel disposed to recommend that the terms of the said letter shall have the earnest consideration of my Government. I may add also that my Government and my chief officers here entirely agree to my views."